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ABSTRACT

This document contains the student's outline for a unit of study designed to be incorporated into an undergraduate social work survey course on social welfare policy. The aim of this unit is to explore aspects of social policy relating to child welfare by focusing on policy development, legislative framework, and the application of principles to practice. Because this module was developed for use at the University of Southern Maine, some material pertains specifically to Maine's child welfare law and may require modification for use in other states. An overview of the course is provided, five learning objectives are listed, and the course outline is presented. Materials in this outline examine child welfare from several perspectives. The history of child welfare services in this country is reviewed, key issues faced by decision-makers regarding the welfare of children are identified, and recent federal and state legislation affecting the delivery of child welfare services is discussed. The unit then focuses on a specific example of social welfare policy-making by examining recent changes in Maine's foster care program. The course outline is followed by six questions for discussion and a list of suggested readings. (NRB)

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CHILD WELFARE POLICY: A Teaching Module

Student's Outline

Developed By

The Department of Social Welfare
University of Southern Maine

In Cooperation With

The Human Services Development Institute
Center for Research and Advanced Study
University of Southern Maine
A Unit of the University of Maine

Portland, Maine

June, 1992

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STUDENT'S OUTLINE

Developed by

The Department of Social Welfare
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Portland, Maine
June, 1982

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PREFACE: HOW TO USE THIS MODULE

This module is a teaching tool designed for use with undergraduate social work students. It is intended to be incorporated into a survey course on social welfare policy. The aim of this unit is to explore one aspect of social policy--that relating to the welfare of children--by focusing on policy development, legislative framework and the application of principles to practice.

The module which follows was developed for inclusion in the University of Southern Maine's course, Social Welfare Problems and Policy. This course is one component of the Department of Social Welfare's curriculum for undergraduates. Much of the material which appears here is applicable, as written, to presentation in a variety of other settings. However, some professors may choose to replace those sections which deal specifically with Maine's child welfare law and program with parallel information from their own state.

Child Welfare Policy: A Teaching Module is presented in two formats: a student's outline, which highlights major topics and concepts, and a teacher's outline, which offers a more detailed look at the subject matter. In addition to the substantive material, each module contains a brief overview, learning objectives and some suggested topics for discussion.

References cited in this module include both nationally-published works, available through any major library, and some works which pertain specifically to Maine. For the latter group, copies may be obtained by writing:

Human Services Development Institute
Center for Research and Advanced Study
University of Southern Maine
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PART I: INTRODUCTION

Overview

In the field of social welfare, few areas stimulate as emotional-laden a response from professional and lay people alike as policy concerning child welfare. While child welfare services include the protection of vulnerable children, they bring the realm of government into the lives of families. Discussing child welfare policy means juggling one's own views of childhood and parenthood with moral and/or political convictions concerning the role of government and the rights of individuals.

This module examines child welfare policy from several perspectives. First, it looks briefly at the history of child welfare services in this country. Second, it identifies key issues faced by those who make decisions regarding the welfare of children. Third, it examines recent federal and state legislation affecting the delivery of child welfare services; and, finally, it focuses on a specific example of social welfare policy-making: recent changes in Maine's foster care program through the combined efforts of public officials and private citizens.

Learning Objectives

This module will enable the student:

- to define child welfare and child welfare services;
- to understand the historical antecedents of today's child welfare system;
- to identify major child welfare policy issues;
- to identify key federal and state legislation affecting child welfare; and
- to explore the stages of social welfare policy-making, using Maine's foster care program as a case study.

PART II: OUTLINE

I. What do we mean by "child welfare"?

A. Child Welfare denotes a broad range of activities designed to benefit children by promoting their physical, social, emotional, and material well-being--child health, education, and recreation, for example.

B. Child Welfare Services delineates a particular segment of professional activity. It is a field of practice which is concerned with the well-being of children whose circumstances--either individually, within their families or in their communities--may jeopardize their normal development.

C. In the last two centuries, the goal and nature of child welfare services have changed dramatically--from orphanages to nurturing "parent."

D. Federal legislation has contributed to the current view of child welfare services.

1. The Social Security Act of 1935 defined child welfare services as "services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent."

2. The 1962 Amendments to the Social Security Act broadened this definition to include social services which supplement or substitute for parental care and supervision. This legislation introduced two major concepts: prevention of abuse, neglect, exploitation, and delinquency of children; and protection of children through strengthening of their own families, when possible, and placement away from home, if necessary.

3. The Adoption Assistance and Child Welfare Act of 1980 expanded child welfare to include: promotion of the welfare of all children (including handicapped, homeless, dependent and/or neglected children), prevention of unnecessary separation of children from families, restoration of children who have been removed by provision of services, placement of children in suitable adoptive homes when restoration is impossible, and assurance of adequate care for children who cannot be returned home or adopted.

E. In Maine, the Department of Human Services is the public agency responsible for child welfare services. It provides (or contracts with other agencies to provide) a continuum of child welfare services: supportive, supplementary, substitute.

II. Major policy issues and their implications for practice

A. Protecting children from abuse or neglect creates a tension between preserving the integrity of the family and assuring the safety of the child: When is government intervention necessary?

B. Removing children from home resolves some problems while creating others: Can the State be a Parent?

C. Planning for children requires flexibility and respect for individual needs: Who has the power to decide what is best for a child?

III. Major legislative changes affecting child welfare policy

A. The federal Child Abuse and Neglect Treatment and Prevention Act, 1974 (P.L. 93-247)

B. Maine's Child and Family Services and Child Protection Act (22 M.R.S.A. § 1001-1071)

1. Enacted by the Maine legislature in 1979, the law recodified Maine's child welfare statutes.

2. The act is divided into subchapters. Its major provisions are as follows:

a. Subchapter I: General Provisions

b. Subchapter II: Reporting of Abuse and Neglect

c. Subchapter III: Investigations and Emergency Services

d. Subchapter IV: Protection Orders

e. Subchapter V: Family Reunification

f. Subchapter VI: Termination of Parental Rights

g. Subchapter VII: Care of Children in Custody

h. Subchapter VIII: Medical Treatment Order

C. The federal Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272)

1. The legislation amends the Social Security Act of 1935 to improve social service programs, to strengthen federal support for foster care, and to provide federal support to encourage the adoption of children with special needs.

2. It is divided into 3 Titles, of which the first--"Foster Care and Adoption Assistance"--is particularly relevant to child welfare services.

3. Title I amends the Social Security Act of 1935 by adding a new section (IV-E) which provides for federal payments for foster care (formerly required under section IV-A) and adoption assistance.

   a. The act specifies that to qualify for federal foster care and adoption assistance payments, a state must:

      1) Review standards for foster families and child care institutions,

      2) Arrange for an independent audit of its program every three years.

      3) Annually set specific goals for the numbers of children in care over 24 months.

      4) In each case, make a reasonable effort to prevent removal and to make it possible for the child to return home.

      5) Develop a case plan for each child,

      6) Implement a case review system,

   b. To encourage the adoption of children with special needs, the act allows:

      1) A monthly adoption assistance payment which may be equal to (but not exceed) the cost of maintaining the child in a foster family home.

      2) Medical coverage under the Title XIX Medicaid program and eligibility for Title XX social services.

   c. The Act amends section IV-B of the Social Security Act to provide a financial incentive for states to provide services which support and supplement family care.

IV. Natural parent interviews

Excerpts from taped interview with discussion of policy implications.

V. Recent developments in Maine's foster care program: a case study using Huttman's stages of policy-making.

A. Concern over unmet needs, social problems or gaps in services

1. Symptoms of unmet needs

2. Development of informal groups and a public outcry

3. Media spotlight and professional and academic interest in the problem.

B. Development of formal, structured groups (both lay and government sponsored)

C. Structured information gathering on the scope and characteristics of the problem.

1. Collection of datathrough systematic research

2. Development of exploratory theories

3. Communication of findings to various publics

D. Development of general policy solutions and goals

1. Exploration of possible policy alternatives

2. Attention to workable possibilities within the social reality

3. Consideration of support for or resistance to program

4. Consideration of both the manifest or unintended consequences

5. Estimating the numerical size and characteristics of the population to be served

6. Assessment of the cost of alternative solutions

E. Lobbying for change by formal concerned organizations

F. Formulation of an operational policy and laws

1. Setting up groups to put policy into operation

2. Narrowing of strategies to a workable group

3. Shaping policy into operational guidelines

4. Negotiating or compromising on provisions to reflect reactions from various groups.

G. Enactment of program

1. Statement of agreed upon final provisions of structure

2. Set up of agency or structure to run program

H. Implementation of program

I. Evaluation of the program.

VI. Presentation of Task Force Data*

A. Characteristics of children in state custody

1. Age, sex, race

2. Length of time in care

3. Reasons for custody

4. Permanency objective

B. Characteristics of foster families

1. Marital status, employment status, income

2. History as foster parents

3. Willingness to care for children with special needs

C. Comparison of foster children and foster families available to care for them.

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*from Foster Care Survey Report, Human Services Development Institute (1980)

Questions for Discussion

1. What approaches can help to prevent child abuse and neglect? Whose responsibility is prevention?

2. What is the best way to protect children in jeopardy without infringing unduly on parents' rights?

3. New federal and state laws mandate social workers to work towards finding permanent homes for children in foster care. What are the benefits of permanency planning to children and families? Are there cases in which a "permanent" family may not be in the best interest of the child?

4. What options are there for an older child who can't return home and doesn't want to be adopted?

5. Should foster children who are adopted be allowed to maintain contact with their biological families?

6. When a child has been removed from home because of abuse or neglect, responsibility for planning and decision-making often becomes confused. What is the appropriate role of his or her natural parents? social worker? foster parents? lawyer? district court judge?

PART III: SUGGESTED READINGS

Adoption Assistance and Child Welfare Act of 1980. P.L. 96-272.

American Public Welfare Association, Standards for Foster Family Services Systems for Public Agencies, Washington, D.C.: Department of Health, Education and Welfare, 1979

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